

Town of Clarence
One Town Place, Clarence, NY
Zoning Board of Appeals Minutes
Tuesday, October 14, 2025

Chairman Ryan Mills called the meeting to order at 5:30 p.m.

Zoning Board of Appeals members present:

Chairman Ryan Mills
Gerald Drinkard

Patrick Krey
Steven Dale

Richard McNamara
Forest Rung

Town Officials present:

Director of Community Development Jonathan Bleuer
Deputy Town Attorney David Donohue
Councilman Paul Shear

Other Interested Parties:

Joe Chudoba
John McDonald

Marie Chudoba
Donald Lavocat

Micaela Lauer
Mike Kaminska

Mike Wander
Donna McDonald

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** the minutes of the meeting held on September 9, 2025.

Gerald Drinkard Aye
Patrick Krey Aye

Richard McNamara Aye
Steven Dale Aye

Ryan Mills Aye
Forest Rung Aye

MOTION CARRIED

NEW BUSINESS

Appeal No. 1

St. Mary's Cemetery
Residential Single-Family &
Traditional Neighborhood
Town Code Reference: §229-55(J)

Applicant requests a variance to allow an accessory structure to be built on a lot without a principal structure located at 8233 County Road – SBL: 29.18-2-2.1

Mr. Drinkard recused himself from Appeal No. 2. The proper paperwork will be filed with the Town Clerk.

DISCUSSION:

Present to represent this request is Deacon Rick Stachura with St. Mary's Church.

Deacon Stachura explained that they would like this proposed building for maintenance purposes; to store the equipment that they use to maintain the cemetery. They would like to put up a 20 x 20 sq. ft. garage up which would accommodate all of the pieces of equipment, lawnmowers and other items that are used to maintain the property.

Deacon Stachura stated that as he understands it, the variance is because there is no principal structure on the property. They do not want to build a house on this property, they simply need the garage.

Mr. McNamara stated that as he visited the property, the proposed location looks to be well protected from the street, the neighbors cannot really see it either.

Mr. McNamara asked Deacon Stachura where they keep the equipment now.

Deacon Stachura explained that it is all stored over a block and a half away at the church parish.

Mr. McNamara asked if there will be power to the proposed garage for electric.

Deacon Stachura responded possibly in the future, but not for right now.

Mr. McNamara asked what kind of siding and roofing materials they plan to use.

Deacon Stachura stated that it will be an all-metal building.

Mr. McNamara asked what color the building will be.

Deacon Stachura said that they are still discussing that, but they were considering a green color so that it blends in with the background and greenery.

Mr. Dale asked which direction the door faces.

Deacon Stachura responded that the main garage door will face east, and the side man-door will be on the north side of the building.

Mr. Dale stated that he was at the site Saturday morning and thinks landscaping will be needed on the west and north sides of the proposed building.

Mr. Rung asked if they plan to add any windows to the proposed building.

Deacon Stachura responded no.

Chairman Mills asked what their intentions are for any landscaping around the proposed building.

Deacon Stachura stated that they were initially thinking about a berm on the west side along or near the property line, then plant trees or bushes as a buffer. The north side of the proposed

structure has brush and vegetation currently. If they need additional, they will certainly provide that.

Chairman Mills asked if they made it a condition of a variance approval that they provide a berm with some foliage along the west side as well as landscaping along the north side, is that something they would be amenable to.

Deacon Stachura responded yes.

Regarding landscaping, Chairman Mills asked Mr. Bleuer if he has any recommendations.

Mr. Bleuer responded no recommendations on species, but getting minimum planting sizes would be beneficial. He added that if they are considering having a berm as a condition, it should be subject to engineering review. There are times when installing a berm could potentially block water flow, and that is ill-advised.

Chairman Mills asked Deacon Stachura if they definitely plan to install a berm.

Deacon Stachura responded no; it was a suggestion that they originally had, but they can do the plantings straight in to the ground.

Regarding plantings, Chairman Mills asked what species and heights Deacon Stachura had in mind.

Deacon Stachura stated that they have not discussed specific species yet, but he feels it should be a type of bushes such as Lilac bushes or similar, that would grow tall and provide a barrier between their property and the neighbor behind them.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation the following residents spoke:

1. Mike Wander of 8160 Stahley Rd:
 - stated that the shed would be right in his backyard
 - shared photos of the view from his backyard

Chairman Mills confirmed that Mr. Wander is located along the west side of the proposed building.

The board reviewed 5 photos that Mr. Wander submitted.

Mr. Wander stated that he is not in favor of the proposed building, claiming that he has taken care of the property for many years, and does not understand why the applicant suddenly wants to put a shed on it.

Mr. Wander suggested they locate the proposed shed at the back of the cemetery where there is existing concrete for tombstones. They could also do something in the space where they currently have a shed.

2. John McDonald of 8154 Stahley Rd.:

- property butts up to the cemetery
- this proposed building will not have any property taxes collected on it
- the graves have all been dug by hand, asked if St. Mary's is acquiring a back hoe
- hopes if they get this approval that they put in a big enough berm that the trees cover up the roof so the neighbors cannot see it
- is this a vacant lot or a business lot
- is opposed to this

3. Donna McDonald of 8154 Stahley Rd.:

- concerned with security, she and her dog take walks back on this property and if there will not be any lights on the proposed structure, visibility would be decreased

Addressing the applicant, Chairman Mills noted that after hearing concerns from neighbors, there does seem to be some alternative locations, and asked why they might not be exploring the farther location on the property.

Deacon Stachura explained that the area Chairman Mills is referring to can still be developed for additional grave sites if needed, as opposed to the area that they are proposing which is much smaller.

Deacon Stachura stated that it is not shown on the map that the Board has, but along the rear property lines, that area cannot be seen from the street and they worry about vandalism and security. Deacon Stachura also noted that there is a light on the pole that illuminates that section of the cemetery and would provide security lighting for the proposed structure.

Deacon Stachura stated that they would do the best that they can as far as plantings to help to mitigate views of the proposed shed from the neighbors.

Mr. McNamara asked how far off of the west property line the proposed structure would be.

Deacon Stachura responded approximately 40 ft.

Mr. McNamara discussed the possibilities of shrubs to help hide the proposed shed.

Deacon Stachura agreed.

Discussion continued regarding potential trees and shrubs along the north and west property lines.

Deacon Stachura agreed.

Mr. Krey asked about imposing another potential condition of a motion light, for additional security.

Mr. McNamara stated that with the wildlife passing through all the time, a motion light would go off more than necessary.

Mr. McDonald returned to say that the applicant does not want it farther in to the woods because they want the neighbors to keep an eye on it.

Chairman Mills stated that he believes the applicant's position is that they would prefer to place it where proposed, because it can be seen better there, which provides more security. Also, it preserves additional land for future grave plots.

Additional Public Participation continued:

4. Jerome Haas of 8129 Stahley Rd.:
 - the area Mr. McDonald is referring to is on Felber's property, not St. Mary's

ACTION:

Motion by Patrick Krey, seconded by Richard McNamara to approve Appeal No. 1 as written, with the following condition:

1. Plant 2 rows of evergreens no less than 6' in height, staggered a minimum of 15' on the north and west sides

ON THE QUESTION:

Mr. Krey stated that this is a very unique request being in a cemetery, and has been operating as a cemetery for a very long time. The cemetery itself is in character with the neighborhood, and it is not unusual for cemeteries to have a building to store equipment that is used in the cemetery. He does not feel that it will alter the character of the neighborhood.

Additionally, Mr. Krey feels that the conditions that have been imposed will address the concerns that have been raised by the neighbors in terms of the proposed structure impacting their view. When the trees have reached full height, they will completely cover the view of this accessory structure.

Richard McNamara	Aye	Ryan Mills	Aye	Patrick Krey	Aye
Steven Dale	Aye	Forest Rung	Aye		

MOTION CARRIED

Appeal No. 2

Eric Naish
Residential Single-Family
Town Code Reference: §196-3(C)

Applicant requests a variance of 10' to allow a swimming pool to be 0' from the principal structure located at 5764 & 5774 Red Hawk Trail.

Mr. McNamara has recused himself from Appeal No. 2, the proper paperwork will be filed.

Mr. Drinkard has returned to the Dais.

DISCUSSION:

David Allen of 4087 Johnson Road was present, representing the property.

Mr. Drinkard asked Mr. Allen what position he plays in this project.

Mr. Allen responded that they are the builder.

Mr. Drinkard asked Mr. Allen how much knowledge he has with bidding on a project when there is a town law for swimming pool placement that states you must be 10' from the house.

Mr. Drinkard asked Mr. Allen if he is aware of this law.

Mr. Allen responded that they are aware of that, yes.

Mr. Drinkard stated to Mr. Allen that he has come here tonight with the expectation of receiving a variance for the pool.

Mr. Allen responded that is correct.

Mr. Drinkard asked if there are any alternatives that would comply more with the law. Mr. Drinkard continued, reading the code that is specific to this zoning code.

Mr. Allen responded, stating that there will be a fence around the pool, with doors that remain locked, taking in to consideration the code.

Chairman Mills stated that from a design perspective, the client likes the look of the pool coming right off of the lanai.

Mr. Allen stated that is correct.

Aside from being completely fenced, Chairman Mills asked if there will be any additional pool alarms or similar that will be utilized.

Mr. Allen responded that if it is a condition of approval they can discuss it with their client, although he is providing extensive security from the residence to the patio and lanai.

Chairman Mills reiterated that the lanai will be completely sealed and secure aside from when in use.

Mr. Allen responded yes.

Chairman Mills asked if there will be motorized panels.

Mr. Allen stated that has not been determined yet, whether they will be motorized or not.

Mr. Donohue stated that the current pool code requires pool alarms on doors if there is not a fence between the pool and the structure.

Chairman Mills asked if that is New York State Code.

Mr. Donohue stated that he believes it is part of Uniform Building Code.

Chairman Mills noted that would need to be in place no matter what.

Mr. Donohue confirmed that all other pool code requirements still need to be met.

Referring to all of the drawings that have been submitted, Mr. Krey stated to Mr. Allen that they could have benefited from a basic rendering of what the proposed plan will look like. His understanding of it from a basic town code of being set back 10' from the primary structure is more for aesthetic purposes, so that people are not cramming things in to their yard.

Mr. Krey asked if the two lots are combined together to make one parcel.

Mr. Allen responded yes.

Mr. Krey noted that it does not appear by the plans that were submitted that the pool will be visible to any of the neighbors or from the street. It is more because the homeowner wants to go straight from his house to his pool.

Mr. Allen confirmed it will not be visible, and yes; that is the look that the homeowner is seeking.

Mr. Donohue explained that the point of this pool code is to discourage people from jumping in to the pool from a nearby structure; it is a safety issue. Mr. Donohue asked what the roofline will look like, and will the roofline itself discourage the ability to jump from the structure in to the pool.

Mr. Allen responded yes; the rear elevation does not have access to jump from that area in to the pool, as it is off of his lanai.

Chairman Mills pointed out that the lanai has a roof.

Mr. Allen noted that it is not accessible unless by ladder and climbed on to the roof.

Chairman Mills noted that it is not a second-floor patio adjoining this roof.

Mr. Allen stated that the flat roof is covering the lanai.

Chairman Mills asked how far back the second-floor patio is.

Mr. Allen responded that it is close, but to access it from the corner of the balcony would be very difficult.

Mr. Krey thanked Mr. Donohue for clarifying the Zoning Law so that they are able to effectively enforce it.

Mr. Dale asked if the sundeck is accessible via stairs to the side, and asked where the gate will be to prevent someone from going up the stairs.

Mr. Allen explained that it is fenced off, as shown on the plans.

Mr. Dale asked how tall the rail will be.

Mr. Allen stated that he does not have a scale on the plans, but he believes approximately 3' and the guardrail height will be 2'. The height is not confirmed and can be amended if necessary.

Mr. Dale voiced concern that the rail may not be effective in keeping infants from climbing over and in to the pool.

Mr. Donohue stated that the code states a minimum of 54". If this is the only barrier between the pool and outside, it would be required to meet the code.

Mr. Dale stated that he believes there is more follow-up for the applicant to do with code enforcement regarding safety of the pool.

Mr. Allen responded that he understands.

Mr. Rung asked if the pool will be raised and impounded relative to the topography behind the house similar to the one that is existing to the property next to it.

Mr. Allen responded yes.

Mr. Rung asked if that is another reason why it is being built so close to the house, because of the steep topography to the rear of the property where there is wetland and floodplain area.

Mr. Allen responded that it is the architectural aesthetics of the property.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

Mr. Drinkard asked if there is a Homeowner's Agreement that would control what and how it is built within the subdivision.

Mr. Allen responded that he is not aware of any Homeowner's Agreement.

Mr. Drinkard asked Mr. Allen that if there is one, he is going under the assumption that it will be complied with through the resident.

Mr. Drinkard reviewed the areas that are controlled through a Homeowner's Agreement.

Chairman Mills asked if there is a proposed depth of the pool, and the pool area versus the sundeck area.

Mr. Allen stated that he believes it is 5' to the pool on the backside of the sundeck.

Chairman Mills asked what the depth of the sundeck is.

Mr. Allen stated that it is an infinity pool, it is 5' deep off the sundeck.

Chairman Mills asked if there is any varying height between the pool and the sundeck.

Discussion continued regarding the depth of the pool.

ACTION:

Motion by Gerald Drinkard, seconded by Patrick Krey, to **approve** Appeal No. 2 as written, with the following conditions:

1. building code to provide for safety measures (locking door)
2. all other parts of the pool code will apply

ON THE QUESTION:

Gerald Drinkard	Aye	Ryan Mills	Aye	Patrick Krey	Aye
Steven Dale	Aye	Forest Rung	Aye		

MOTION CARRIED

Mr. McNamara has returned to the dais.

Appeal No. 3

Donald & Teri Lavocat
Residential Single-Family
Town Code Reference: §229-55(B)

Applicant requests a variance to allow a detached accessory structure (emergency generator) to be located within the front yard setback located at 6835 Rivera Way.

DISCUSSION:

Donald Lavocat was present to represent his request, adding that they had a generator installed, and they live on a corner lot. When his electrician installed the generator he applied for the permit, but they did not realize that with being on a corner lot, they are considered to have two front lawns.

Mr. Lavocat added that they are not able to locate the generator on the south side of the house because there is not enough space between his house and his neighbor's house.

Mr. Lavocat explained that one of the reasons they did not realize the Ava Lane side of their house is also considered a front yard, a drawing from his builder specifically calls out that side of the house as the "side", and the front is where his driveway is. That is what they assumed when they got the permit. The generator has been installed, and they are seeking a variance to have it remain there legally.

Mr. Lavocat added that they have landscaped around the generator, it is not visible to his neighbors, and the neighbors on Ava Lane are not opposed to the generator.

Mr. Dale asked where else the generator could be located if not where it is currently.

Mr. Lavocat stated that they could not put it on the south side, because there is not enough footage between houses, and too close to the property line. Their houses are only approximately 20' apart.

Mr. Dale asked how difficult would it be to relocate it, and where would they put it.

Mr. Lavocat stated that they cannot put it in the back, because that is all patio, and reiterated that it cannot go on the other side of the house due to lack of space to the property line.

Mr. Lavocat explained that originally, he wanted the generator located on the south side, but his electrician explained that there was not enough footage to locate it there.

Mr. Donohue stated for clarification that the Building Code requires the unit to be at least 5' from the structure.

Mr. Dale confirmed that Mr. Lavocat previously submitted an application to have the generator installed.

Mr. Lavocat responded yes, his electrician did all of that, and submitted the application that Mr. Lavocat signed. Mr. Lavocat confirmed with Mr. Bleuer that the permit had been issued.

Mr. Bleuer stated that the permit appears to have not been issued.

Mr. Lavocat stated that he was under the assumption that the electrician installed the generator with a permit.

Mr. Rung asked how long the landscaping around the generator has been in.

Mr. Lavocat responded approximately 6 months.
Mr. Rung asked what the species is of the plantings.

Mr. Lavocat responded that they are Hollies, they will be approximately 4' high shrubs, and the generator will not be visible from Ava Lane.

Mr. Krey stated that the electrician should have researched this permit more, and now Mr. Lavocat knows that his side yard is considered a front yard.

Mr. Krey explained that there have been previous applicants requesting similar variances and also having legitimate reasons. He feels if this had been done in the proper order, it would have been voted on, it is an unfortunate oversight that happened to begin with. The way that it has been installed conforms with conditions that the Zoning Board would have potentially applied.

For the record, Chairman Mills asked Mr. Lavocat to confirm that there is insufficient room on the south side of the property to place the generator.

Mr. Lavocat responded that is correct.

Chairman Mills added that on the west side it is the front of the residence, and the east side is the backyard which is a covered patio the whole span of the house. Therefore, the only possible location is the north side, which is where it is.

Mr. Lavocat stated that it is also in close proximity to the gas meter in the current location.

Chairman Mills stated that it is already landscaped all the way around the generator, and Mr. Lavocat testified that within approximately a year, the area will be completely filled in with grown landscaping to mitigate the view.

Mr. Lavocat responded yes.

Mr. Drinkard stated that when a variance is granted for a stand-alone generator, they request that landscaping is done in a way that this one already is.

Neighbor Notifications are on file, no comments were received. A call was received by the HOA President with an inquiry, but no direct comment.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Richard McNamara, seconded by Gerald Drinkard, to **approve** Appeal No. 3 as written,

ON THE QUESTION:

Chairman Mills stated that based on the testimony and record from the applicant, there is no other feasible location for this generator. The applicant has already landscaped all the way around the generator, the view should be completely obstructed from neighbors and people traversing the streets. The character and condition of the neighborhood should not be impacted in any way.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Appeal No. 4

David Beckinghausen
Residential Single-Family
Town Code Reference: §229-52(B)

Applicant requests a variance of 1'9" to allow a 10'9" principal structure side yard setback located at 5155 Fox Trace.

DISCUSSION:

Applicant David Beckinghausen was present to represent his request, stating that he would like to put in a 12' wide garage addition on to the house. This would encroach in to the side yard setback.

Mr. Rung stated that he noticed a lot of vehicles on Mr. Beckinghausen's property, and asked if he runs a business out of his residence.

Mr. Beckinghausen responded no; he has a spare work truck, and a collectible that stays in the garage during the summer so his every day vehicle gets left outside. He is hoping to be able to keep the collectible inside with the addition of this proposed garage, as well as some of the other equipment that is on the outside of the house.

Mr. Dale stated that he assumes the materials and doors of the proposed addition will all match the house.

Mr. Beckinghausen responded yes; it will look exactly like the house.

Mr. Dale asked about the fireplace that is currently on the side of the house, and where that will be.

Mr. Beckinghausen responded that it will be relocated in the garage, and it will be piped up and out through the roof.

Mr. Dale asked if that would require any special venting.

Mr. Beckinghausen responded he does not think so, it is not a wood-burning fireplace.

Mr. Dale stated that it is designed to be outside of the house.

Mr. Beckinghausen stated that it is just so it is not placed inside a house with bump-ins instead of a bump-out.

Mr. Dale asked Mr. Beckinghausen if he is convinced there is no safety issue having the fireplace in the garage.

Mr. Beckinghausen stated that he does not believe that there is, but he can look in to it.

Mr. Dale asked Mr. Beckinghausen if he has hired an architect yet.

Mr. Beckinghausen said that he wanted to obtain the variance first before obtaining actual plans. He included sketches in his submission to show what the proposed garage will look like. If he gets approval, he will take it to an architect.

Mr. Dale asked if the neighbors are ok with the proposed plans.

Mr. Beckinghausen responded yes; he spoke with all three of them.

Mr. Krey asked about the proposed garage door on the rear of the proposed addition, and why.

Mr. Beckinghausen responded yes, he does not want to have to drive around if he has to bring something in to the yard like a trailer with mulch or something similar. He'd like to drive straight through rather than drive on his neighbor's yard, knowing that he will be closer to it now.

Mr. Krey asked if there will paving behind the garage.

Mr. Beckinghausen responded no.

Mr. Krey asked if there are any properties in the surrounding area that have garage additions similar to this.

Mr. Beckinghausen stated that there are two or three in the neighborhood that have a 3-car garage.

Mr. Krey asked how close they are in relation to Mr. Beckinghausen's house.

Mr. Beckinghausen stated he believes two are on Red Tail Run, and a third is in a cul-de-sac off of Red Tail Run.

Chairman Mills asked about materials, confirming the materials will match the house. Referring to the cut-out for pavement that is on-site, Chairman Mills asked if that will go any further.

Mr. Beckinghausen responded no; just the extra couple of feet to bring it to the edge of the garage.

Chairman Mills asked if they make a condition that no business is to be conducted out of the garage, would Mr. Beckinghausen agree to that.

Mr. Beckinghausen responded yes.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Steven Dale, seconded by Patrick Krey, to **approve** Appeal No. 4 as written, with the following conditions:

1. applicant match existing asphalt shingle roofing, vinyl siding, and garage door to the existing primary structure
2. no business is to be conducted

Mr. Beckinghausen agreed to the conditions.

ON THE QUESTION:

Mr. Krey stated that the conditions imposed will mitigate any aesthetic issues. Additionally, as per the applicant's testimony, there are homes in the neighborhood with similar add-on garages, it should not alter the character of the neighborhood at all.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Appeal No. 5

Micaela & Matthew Lauer
Residential Single-Family
Town Code Reference: §229-52

Applicant requests a variance of 2'4" to allow a 42'8" front yard setback located at 4500 Patricia Drive.

DISCUSSION:

Michael Anderson with Abstract Architecture, and applicant Micaela Lauer were present to represent this request. They are proposing an addition to the house that will utilize the existing garage and turn it in to living space. The existing garage is a bit under-sized; they plan to build a new garage in the front, which pushes them in to the front setback.

Mr. Anderson continued, explaining that the existing house is already in the front yard setback by a matter of a couple of feet. They are trying to not go too much further than they have already.

Mr. Drinkard noted that generally all of the properties in that area of Patricia Drive are located in a pretty heavily wooded area where you cannot tell if it is setback or not.

Mr. Anderson explained that there is a very nice, mature tree on the applicant's property, but not on the side that they are proposing the addition. They had originally considered building to the rear of the house, but that would affect green space and mature vegetation, so they decided to come forward where it would only affect the existing driveway.

Mr. Drinkard noted that it appears to be a nice, mature neighborhood and he does not feel that the proposed project will negatively affect the neighborhood at all.

Mr. McNamara asked if the existing garage is approximately 26' deep as noted on the submitted plans, and they are basically doubling the garage space to the front.

Mr. Anderson responded yes; they are utilizing as much as the existing structure as they can for the primary bedroom suite and the entranceway that would lead in to the kitchen.

Mr. McNamara stated that he loves the courtyard, it will make a nice entryway.

Mr. Krey confirmed that the intention with the addition of the garage is to match the materials to the existing home with the roofing and siding.

Mr. Anderson responded that the siding will be different, as the existing home is brick. As a budget decision they chose a fiber cement siding, so it will have a quality finish.

Mr. Krey asked if the color will match the brick.

Mr. Anderson responded yes, and the garage door will be very similar to the existing one on the house.

Chairman Mills asked if the siding is Hardee Board.

Mr. Anderson responded yes.

Mr. Dale asked how far forward the addition will be.

Mr. Anderson responded that it will be 1' 7".

Mr. Dale asked the applicant how long they have lived in the house.

Mrs. Lauer responded that they have been there for 14 years.

Referring to the "brick shed", Mr. Dale asked Mrs. Lauer if they put that in.

Mrs. Lauer stated that it is not brick, but it is a small shed that has been there as long as they have owned the home. They did not put it in.

Mr. Dale asked if they would consider moving it.

Mrs. Lauer stated that she would really like to not move it.

Mr. Dale said that he does not believe they would get permission to have it there; it is almost right on the property line. He stated that they have to step on to their neighbor's property to access the shed.

Mrs. Lauer responded that there is some space, and nobody resides in the house next door. She would really like to not move the shed, it is not in the way, nobody has ever complained about it.

Mr. Dale stated that the applicant has a full backyard.

Mrs. Lauer responded yes, they do and it is very full with other things.

Mr. Dale stated that if someone moves in to the house next door, they could ask to have it moved and they have a right to do that.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Gerald Drinkard, seconded by Richard McNamara, to **approve** Appeal No. 5 as written.

ON THE QUESTION:

Mr. Drinkard stated that the 2'4" setback will allow the structure to be completed as desired, and have no adverse effect on the neighborhood.

The changes to the home itself will increase the value of the home, and therein benefit all residents of the neighborhood.

Mr. Bleuer explained that the existing garage has to be converted to a principal living space, otherwise there may be size restrictions.

Mr. Anderson responded he understands.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Appeal No. 6

Michael Kaminska
Residential Single-Family
Town Code Reference: §101-3(B)

Applicant requests a variance of 2' to allow an 8' fence to be located within the rear yard setback located at 5624 Dorothy Circle.

DISCUSSION:

Michael Kaminska was present to represent his request, explaining that they would like the 8' fence in the backyard to enclose on the 3 sides their concrete pad. He has children that play sports and he would like some extra height on the fence around the pad to keep the balls contained from flying in to the woods and elsewhere.

Mr. McNamara noted that there is a lot of vegetation and woods behind the house, visibility from the neighbor's is limited. As the kids get older, the balls will go farther and higher.

Referring to the layout of the subdivision, specifically the applicant's lot, Mr. Drinkard noted that their current space is hidden. Outside of the print there is "phase 2 open space" with the approximate footage. Is the border of the fence a potentially future lot?

Mr. Kaminska stated that it is greenspace that was a part of the development. He has been assured that there will not be any future development in that space.

Mr. Drinkard asked if it will be common area.

Mr. Kaminska responded yes.

Mr. Dale asked about the concrete pad, and the proximity to the back lot line. Will there be enough space to install the fence on this property.

Mr. Kaminska responded yes; it will go right along the concrete pad.

Mr. Rung asked if the fence will be installed in to the soil, not the concrete.

Mr. Kaminska responded yes; there is approximately 12" to work with.

Chairman Mills confirmed that the chain-link will be black.

Mr. Kaminska responded yes.

Chairman Mills asked if there will be any sport court finish on the concrete.

Mr. Kaminska stated that currently it is concrete, they are going to see how it all goes before deciding whether to put a finish on.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Steven Dale to **approve** Appeal No. 6 as written.

ON THE QUESTION:

Mr. Krey stated that what makes this request unique is not only is the applicant situated near an area that is intended to be permanent greenspace shielding it from neighboring properties, but also it is only fencing around a small, concrete pad used for recreational purposes. It is not the entire rear border of the yard. Also, it is black chain-link, which will blend in to the surrounding views.

Mr. Krey does not believe it will have a negative effect on the neighboring properties.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Appeal No. 7

Wayne Trimmer
Residential Single-Family
Town Code Reference: §229-55(D)

Applicant requests a variance of 573 sq. ft. to allow a total of 912 sq. ft. of attached accessory structure (garage) space located at 9265 Greiner Road.

DISCUSSION:

Wayne Trimmer was present to represent his request, explaining that they want to add on to the back of the garage with a storage garage area. They also have a covered-patio, he would like to get all the equipment and lawn furniture in storage, as well as the cars in the garage.

Chairman Mills asked Mr. Trimmer what the square footage is of his home.

Mr. Trimmer responded that it is 864 sq. ft.

Chairman Mills stated that the proposed addition will be larger than the principal structure.

Mr. Trimmer responded yes.

Chairman Mills asked if there is any way that the goal can be accomplished with something of a lesser size.

Mr. Trimmer explained that he has already reduced the size from his original plans. He'd rather not make it any smaller, it fits in nice with the existing patio.

Chairman Mills asked if the structure will be all metal.

Mr. Trimmer explained that is what the pricing and install that he has on it, but the more he thinks about it, he is going to do siding to match the house.

Mr. McNamara asked Mr. Trimmer if he is going to try to match the shingles.

Mr. Trimmer responded yes.

Mr. McNamara asked Mr. Trimmer how big his house is.

Mr. Trimmer responded that he believes it is 864 sq. ft.

Mr. McNamara asked if the 912 sq. ft. is both garages together, not just the addition.

Mr. Trimmer responded yes; that is correct.

Mr. Krey asked how long Mr. Trimmer has lived there.

Mr. Trimmer responded almost two years.

Mr. Krey asked Mr. Trimmer if he is doing the work himself, because according to the quote that was included with the application there is no charge for labor, only materials.

Mr. Trimmer stated that he went to Lakeshore Metals for a pole barn addition, and this is the information that they gave to him. He wants to make sure he would be able to get the variance before he signs for a builder with them.

Mr. Krey confirmed that the square footage also includes the covered patio area.

Mr. Trimmer responded yes.

Mr. Krey asked Mr. Trimmer if putting on siding to match the house was a condition, would he be agreeable to that.

Mr. Trimmer responded yes.

Mr. McNamara noted that the existing siding on the house is approximately 20-30 years old, and will most likely be tough to match.

Mr. Krey asked how far Mr. Trimmer's house is from the street.

Mr. Trimmer responded approximately 45'.

Mr. Krey stated his concern with driving either direction on Greiner Road and the possibility of being able to see the addition. He would like it to blend in, and aluminum would not blend as well even with matching to sun-faded siding.

Mr. Bleuer clarified some dimensions, noting that the garage addition is proposed to be 336 sq. ft. and does not account for the porch overhead area of 192 sq. ft. According to our records, the existing garage is 576 sq. ft., but due to the size of the home per our current law, the maximum allowable size for a garage on that property attached is 339 ft.

As written, Mr. Bleuer explained that the variance is taking in to account some of the existing garage as well, per current code.

Mr. Dale stated that while speaking with Mr. Trimmer, he was confused at the plan to use pole barn construction as part of a residence. He asked Mr. Trimmer if he anticipates building it by sinking the holes in to the ground, or will there be footers.

Mr. Trimmer stated that they will be on footers, but sunk in to the ground.

Mr. Dale asked if the proposed addition will have a floor for the storage, and will it be concrete.

Mr. Trimmer responded yes.

Mr. Rung asked if the addition will be insulated.

Mr. Trimmer responded no; it is basically just storage; he has no need to include insulation.

Mr. Rung asked if the existing garage will remain a garage and serve its original purpose.

Mr. Trimmer responded yes.

Referring to the stakes that were placed at the site, Mr. Rung asked if the proposed addition is placed in a couple of feet in an attempt to hide it from view of the street.

Mr. Trimmer responded yes.

Mr. Dale asked Mr. Trimmer if he has access from the existing garage in to the proposed addition.

Mr. Trimmer responded no; he does not need to.

Mr. Dale noted that the addition will only be accessible from the porch.

Mr. Trimmer responded yes.

Mr. Drinkard noted that standing in the driveway at the street, you will not see the proposed addition.

Additionally, Mr. Drinkard noted that the houses next door and another going east that have “mixed-up” back yards that have had additions put on. This will not be out of character whatsoever.

Chairman Mills clarified that if they made it a condition that this proposed addition is vinyl sided, Mr. Trimmer would agree to that.

Mr. Trimmer responded yes; and the roof will be asphalt shingle to match the house.

Chairman Mills asked if that was made a condition, Mr. Trimmer would agree to that also.

Mr. Trimmer responded yes.

Chairman Mills asked Mr. Trimmer if he plans to run a business out of the proposed addition.

Mr. Trimmer responded no.

Chairman Mills asked Mr. Trimmer if he has any plans for landscaping around the structure, predominantly the east side where the neighbor will have some view of the structure.

Chairman Mills asked if they make it a condition that there is landscaping along the entire east side of the proposed building, leaving the species type up to Mr. Trimmer, would he agree to that.

Mr. Trimmer responded yes.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Patrick Krey, seconded by Steven Dale, to **approve** Appeal No. 7 as written with the following conditions:

1. vinyl siding and asphalt shingles to match existing home
2. no business is to be conducted out of the attached accessory structure
3. landscape along east span of accessory structure

Mr. Trimmer agrees to the conditions.

ON THE QUESTION:

Mr. Krey stated that the conditions imposed will mitigate any issues that may occur with surrounding properties of the view, or the street view driving down Greiner Road. It will not have any impact on the surrounding neighbors or the character of the neighborhood.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Appeal No. 8

Joseph Chudoba
Residential Single-Family
Town Code Reference: §229-55(D)

Applicant requests a variance of 142 sq. ft. to allow a total of 1,102 sq. ft. of attached accessory structure (garage) space located at 4166 Susan Drive.

DISCUSSION:

Applicant and homeowner Joseph Chudoba was present to represent his request, explaining that they would like to build a 400 sq. ft. 20' by 20' structure. Their existing garage is 702 sq. ft. and the zoning limit is 960 sq. ft., they need a variance of 142 sq. ft. in order to accommodate a vehicle as well as his hobby workshop area.

Mr. Krey asked Mr. Chudoba if he plans to alter his driveway.

Mr. Chudoba stated that they will need to add asphalt to match the asphalt that they just put in this past summer.

Mr. Krey asked if there are any neighboring properties that have similar garage additions.

Mr. Chudoba stated that the neighbors across the street from him have one.

Mr. Dale asked if the addition materials will match the rest of the house.

Mr. Chudoba responded yes; they are using the same exact asphalt shingles; they have a plan with their builder to use the same door as the existing garage door. The siding will be cannibalized from the side of the house where it is currently, and use that as well as the leftover materials from when the house was sided.

Mr. Dale asked if the new proposed garage will be flush with the old garage.

Mr. Trimmer responded yes.

Mr. Rung noted that 4167 Susan Drive does appear to have a two-car garage setup as well.

Mr. Drinkard noted that across the street at 4167 Susan Drive, there is a black fence that crosses the right-hand side, then proceeds to the property and connects to the house. It appears as one huge house. Mr. Drinkard noted that Mr. Chudoba's lot is significantly larger than the other lots in the neighborhood.

Mr. Trimmer stated yes; he has a double lot.

Mr. Drinkard noted that this proposed addition will not look like it is crammed on the lot.

Noting that the front façade of the existing home is brick, Chairman Mills asked Mr. Trimmer if he has considered putting brick on the front of this proposed garage.

Mr. Trimmer stated that in discussion with their builder, the builder recommended using a small part of the siding for that area, up to the next door that will be used for the attached garage from the existing garage. Where the brick is now, which is approximately 2-3 ft. is where it will end, then whichever structure he puts there then there will be siding off of that garage door, siding, and then siding all around.

Chairman Mills stated that he understands the siding will match, but have they considered bricking the front of the proposed garage addition.

Marie Chudoba also of 4166 Susan Drive, explained that around their front door is the same siding that they have around 3 sides of the house. There is siding around the front door, then the same siding will be all around the garage. It will all tie-in and match.

Chairman Mills noted that while it will not be brick, it will all tie-in.

Mrs. Chudoba stated that the brick is from 1977 when the house was first built, and could be difficult to match.

Chairman Mills confirmed that there are no intentions of running a business out of the proposed addition.

Mr. Chudoba responded no; and he would agree to a condition stating this.

Neighbor Notifications are on file, no comments were received.

With no one wishing to speak, Public Participation was closed for this item.

ACTION:

Motion by Richard McNamara, seconded by Ryan Mills to **approve** Appeal No. 8 as written with the following condition:

1. no business is to be conducted out of the addition

ON THE QUESTION:

Chairman Mills noted that the applicant's lot is much larger than most of the other lots in the neighborhood, and appears to be a double lot. There is quite a bit of greenspace along where this proposed garage will be placed, the applicant is making efforts to tie in the garage with the existing house by preserving some of the siding materials so that it matches up.

Chairman Mills stated that it will not have an adverse impact on the character or environmental conditions of the neighborhood.

Mr. Krey added that at the least, there is a property directly across the street that has been identified as also having a garage addition.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

Meeting adjourned at 7:01 p.m. with a motion by Richard McNamara.

MOTION CARRIED

Amy Major
Senior Clerk Typist